



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Revised 8/5/05

Representative Jean M. Hunhoff, Chair
Senator Orville B. Smidt, Vice Chair

Two hundred sixtieth meeting
Tuesday
August 9, 2005

Room 413
State Capitol
Pierre, South Dakota

Agencies are asked to have a representative present at the meeting to give background information on their rules.

9:00 a.m. Call to order, roll call, approval of minutes, staff report

9:10 a.m. Review of proposed rules

Representative Hunhoff

Department of Health: Board of Chiropractic Examiners - Amend rules to update the licensing procedure to provide for a nonrefundable \$100 as part of the initial license fee and further to provide for the criminal background investigation for applicants, to clarify the reciprocity provisions, to incorporate into approved continuing education courses a recognized approval organizations listings, to clarify preceptor selection, and to remove the term "gross" from professional conduct and to delete redundant and outdated rules.

Department of Revenue and Regulation: Gaming Commission - Amend rules to clarify that when stakes races are declared off, refunds for subscriptions and fess are only made for stakes race finals; provide a mechanism for reimbursement to the racing stewards for mileage, per diem and lodging on hearings at locations other than the Association grounds; eliminate minimum bankroll requirements set forth in Article 20:18, Appendix A, Section 535.5, as well as other requirements pertaining to calculations and minimum bankroll requirements; require that licensees notify the executive secretary in writing, before a game tournament begins, as to the number of tables involved and the South Dakota stamp identification number of each table; increase the amount of overages or shortages that must be reported to the Commission from \$50 to \$100; require cashiers to validate vouchers and to require the cashiers sign paper tokens and casino scripts; and eliminate the requirement that licensees maintain the name and authorized programmer or manufacturer representative in the access log.

Department of Revenue and Regulation: Gaming Commission - Adopt new licensing

categories as well as license fee schedules for Hub employees, key employees, and multi-jurisdictional totalizer hub licensees; adopt rules to allow for account wagering and multi-jurisdictional simulcasting and interactive wagering totalizer hubs with the state of South Dakota.

Department of Human Services: Board of Counselor Examiners - Clarify that other state licensure requirements must meet or exceed South Dakota's requirements for licensure, remove the requirement for supervisors to provide their social security number to the board, add the requirement that supervisees sign an agreement to adhere to the American Counseling Association Code of Ethics and Standards of Practice, and change the supervision requirements by providing more flexible supervision requirements and clearly listing the supervisor's requirements and duties, remove the requirement for supervisors to provide their social security number and add the requirement that supervisees sign an agreement to adhere to the American Association for Marriage and Family Therapists Code of Ethics.

Department of Human Services: Division of Rehabilitation Services - Adopt rules to establish requirements for the cochlear implant program.

Senator Smidt

Department of Game, Fish and Parks - Amend rules to modify the West River Deer hunting; and regarding Furbearer Seasons close an area in the Black Hills (portions of the Spring Creek drainage in Pennington County) to beaver trapping.

Department of Game, Fish and Parks - Amend rules to modify the Antelope hunting season, the East River Deer hunting season, the Sage Grouse hunting season, and the Early Fall Canada Goose hunting season; permit the use of certain traps specifically designed to catch raccoons during specified times and locations; prohibit use of centerfire rifles on Cottonwood Lake Hatchery State Game Bird Refuge and only permit the use of shotguns (using shot shells) and bow and arrow on lands owned by the Otter Tail Power Company leased to the Department as a Game Production Area; and increase the annual park entrance license fee from \$20 to \$23 (first vehicle) and \$10 to \$11.50 (additional vehicles) and require a park entrance license for entry into Rocky Point (effective April 1, 2006) and Bob's Landing.

10:30 a.m. Break

Representative Hunt

Bureau of Personnel - Amend rules that will allow for drug testing of certain primary care employees at the South Dakota Human Services Center, Developmental Hospital, and Veterans' Home and to make changes in the procedures for drug testing of state employees so as to comply with legislation adopted by the South Dakota Legislature in 2005.

Department of Public Safety: Emergency Medical Services - Adopt rules that will

establish EMS cardiopulmonary directives for ambulance personnel.

Department of Labor: Electrical Commission - Adopt the 2005 National Electrical Code, increase inspection fees, and revise local inspection system requirements.

Department of Labor: Cosmetology Commission - Amend rules to set the esthetician education hours at six-hundred clock hours; delete the medical description from microdermabrasion devices; allow birds or animals in salons; require schools to have at least one electric file with attachments as part of the school's equipment; update the school curriculum for cosmetology, nail technology, and esthetics; change the required school reports and records to record clock hours or credit hours; and set hours for esthetics or nail technology school field trips.

Senator Bogue

Department of Education: Board of Education - Amend rules that will align the rules to the federal 2004 IDEA legislation to enable districts to inform in-service teachers about the federal new requirements and to allow districts to take advantage of the new flexibilities within IDEA 2004 at the start of the 2005-2006 school year; to allow educators additional means of adding endorsements and authorizations to their certificates and to clarify how the Praxis II tests will be used regarding teacher certification; to increase certification fees and records review fees to \$50; and to allow teachers with advanced certification or advanced degrees several options for renewing their certificates.

11:45 a.m. Lunch

Senator Hundstad

12:45 p.m. Department of Revenue and Regulation: Banking Commission – Adopt rules that authorize banks to provide mobile banking services to their customers; establish an application fee related to banks entering into mobile banking services; and establish a late fee for filing a renewal application for a money lending license.

Department of Transportation – Amend a rule that corrects the highway numbering of an existing speed zone through the city of Roslyn to State Trunk Highway 25 in Day County.

Department of Transportation – Amend speed zones in the following counties: Brown, Day, and Roberts Counties – US Highway 12 from east of Aberdeen to Interstate 29; Davison, Sanborn, and Beadle Counties – SD Highway 37 from north of Mitchell to south of Huron; Yankton, Clay, and Union Counties – SD Highway 50 from east of Yankton to Interstate Highway 29; Stanley and Lyman Counties – US Highway 83 from south of Fort Pierre to Interstate Highway 90; Brown and Spink Counties – US Highway 281 from south of Aberdeen to the junction with SD Highway 20.; and adopt rules for utility corridor management.

Department of Revenue and Regulation: Lottery Commission – Adopt changes to the

Powerball and Power Play games recently approved by the 29 participating lotteries. The changes, to take effect after the drawing of August 28, 2005, include addition of pool numbers and changes in corresponding odds, increase in starting jackpot and second and third tier prizes, graduated annuity jackpot payments, and Power Play wheel changes.

Department of Agriculture – Adopt rules to establish the South Dakota Certified Beef Program.

Department of Revenue and Regulation: Division of Insurance – Overinsurance rule.

2:30 p.m. Break

Representative Thompson

Department of Social Services: Office of Child Protection Services - Amend rules to define terms; require either accreditation by the Council on Accreditation (COA) or the Joint Commission on Accreditation of Health Care Organizations (JACHO); establish the minimum services that an intensive residential treatment center must provide; specify which children may be eligible for placement into an Intensive Residential Treatment Center; establish requirements for the center's program director, direct care staff, case managers, and counselors and therapists; establish a caseload limit; require the center to establish a treatment team for each child in care and specify those individuals who must be included on a treatment team; require the treatment team to develop case service and discharge plans and establish the minimum requirements for the plans; require the center to provide living units for the children in care and establish requirements for the staff members supervising a living unit; establish the staff-child ratio; require a center to provide orientation and annual in-service training and establish the minimum requirements for the training; require a center to have written policy statements in certain, specified areas; establish nursing, psychiatric, and psychological service requirements; specify who is responsible for the administration of medications; require the center to periodically review the child's case service plan and provide updates to the placing agency; include an intensive residential treatment center in the definitions of "alternative care" and "facility"; require a center to provide written documentation of the need for services; allow the Department to issue a provisional license to a center under certain circumstances; require a center to meet local zoning ordinances and be approved by fire and health authorities; require the center to provide for its funding, building, and equipment needs; require the center to maintain an accounting system and provide for an annual audit; require a center to have liability insurance; establish the minimum requirements for a center's playground area, sleeping areas, and toilet facilities; and require a center to comply with the applicable provisions of chapters 67:42:01 (Provisions and Scope of Services, 67:42:07 (Group Care Centers for Minors), and 67:42:11 (Environmental Health).

Department of Social Services: Office of Economic Assistance - Amend rules that will increase the payment standard for Temporary Assistance for Needy Families (TANF) Program.

Department of Social Services: Office of Medical Services and Secretariat - Amend

rules that will update by reference the latest versions of the Physicians' Current Procedural Terminology (cpt) and the International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM); and amend a rule that incorporates by reference the latest federal poverty levels established by the federal government.

Department of Social Services: Office of Medical Services - Adopt rules relating to Medicaid payment for care provided to children by a residential treatment facility.

Department of Environment and Natural Resources: Water Management Board - Amend uses assigned to streams for Minnesota River's tributaries' by designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to Labolt Lake Creek in Grant County; for Big Sioux River Basin by designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to a segment of an unnamed tributary of Skunk Creek in Minnehaha County, designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to a segment of an unnamed tributary of West Pipestone Creek in Minnehaha County, designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to a segment of Big Ditch Creek in Union County, and designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to a segment of Big Ditch Creek in Union County; for Cheyenne River Basin by designating the beneficial use of coldwater permanent fish life propagation waters and limited contact recreation waters to a segment of Beaver Creek in Custer County; for Belle Fourche River Basin by designating the beneficial use of coldwater marginal fish life propagation waters and limited contact recreation waters to Spring Creek, a tributary to the Redwater River in Lawrence County, designating the beneficial use of coldwater marginal fish life propagation waters and limited contact recreation waters to Rubicon Gulch Creek, a tributary of Spearfish Creek in Lawrence County; for Vermillion River Basin by designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to Blind Creek, a tributary of the Vermillion River in Lincoln County.

3:30 p.m. Adjourn

NOTE: To help agencies estimate when to appear before the committee, the agenda is set assuming a ten-minute presentation per rule. However, actual times may vary.

Members: Representative Jean M. Hunhoff, Chair; Senator Orville B. Smidt, Vice-Chair; Senators Eric H. Bogue and Jim Hundstad; and Representatives Roger Hunt and Bill Thompson.

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